

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No.: 19-10080-NMG
)	
AMY COLBURN, <i>et al.</i> ,)	
)	
Defendants)	
)	

GOVERNMENT’S STATUS REPORT REGARDING SEPTEMBER 2021 TRIAL

The government respectfully submits this status report in advance of the June 15, 2021 status conference.

Assuming it is logistically possible, the government’s strong preference is to proceed with the 8-defendant trial currently scheduled to begin in September 2021.¹ The government estimates that its direct case will require approximately 3 weeks.²

It is unclear, however, to what extent multi-defendant trials will be conducted in the fall. Accordingly, if there is lingering uncertainty that an 8-defendant trial will be possible in September due to COVID restrictions, the government respectfully suggests the following alternatives in order to provide certainty for the parties, the witnesses, and the Court, and to ensure an efficient trial in this case:

1. That the Court schedule an 8-defendant trial as soon as it is logistically possible after September.

¹ At this time, the government is not actively engaged in plea negotiations with any of the remaining defendants and has no reason to expect that there will be further pleas in this case.

² Assuming an equal amount of time for cross-examination, and several days for opening and closing statements, the government estimates a total trial length of between six and seven weeks. That estimate does not include a potential defense case-in-chief.

2. That the Court conduct a 5-defendant trial of the remaining side-door defendants (Abdelaziz, Kimmel, Palatella, Wilson and Zadeh) in September. The government notes, however, that this alternative would be no shorter than an 8-defendant trial, in part because one of the defendants engaged in the side-door and testing aspects of the scheme. It would therefore be a less efficient option.
3. Finally, if the forgoing alternatives are not possible, that the Court conduct a 3-defendant trial of the remaining testing-only defendants (Chen and the Colburns) in September.

Regardless of the Court's decision, the government respectfully submits that it is in the interest of justice and efficiency to have certainty about the trial date and the number of defendants.

Respectfully submitted,

NATHANIEL R. MENDELL
Acting United States Attorney

By: /s/ Stephen E. Frank
Stephen E. Frank

Date: June 10, 2021

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants .

/s/ Stephen E. Frank
Stephen E. Frank
Assistant United States Attorney

Date: June 10, 2021